

**TO: Chiefs, Deputies, Federal Liaisons, and Communications Directors**  
**FROM: Chris Minnich, CCSSO Executive Director;**  
**Peter Zamora, CCSSO Director of Federal Relations**  
**DATE: June 10, 2013**  
**SUBJECT: Summary of Kline ESEA bill**

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On Thursday, House Education and the Workforce Committee Chairman John Kline (R-MN) and Early Childhood, Elementary, and Secondary Education Subcommittee Chairman Todd Rokita (R-IN) introduced the Student Success Act (H.R. 5), their bill to reauthorize the Elementary and Secondary Education Act (ESEA). The bill is very similar to the ESEA reauthorization proposals that the Education and the Workforce Committee reported out in the last Congress (Committee's summary of the changes). The Committee is scheduled to begin its markup of the bill on June 19, 2013. The purpose of this memorandum is to provide a brief summary of the Student Success Act.

Generally, CCSSO is encouraged that Chairman Kline's ESEA proposal returns much authority to state and local education officials and greatly limits burdens to states. We are concerned, however, that the Student Success Act fails to sufficiently fund state education reform activities (such as the state academic assessment and statewide school improvement line items in current law) necessary to support efficient and effective uses of federal funds in the classroom. We are also concerned that the partisan nature of the current ESEA debate significantly limits prospects for final passage in this Congress.

### **Title I: Aid to Local Educational Agencies**

The bill would cluster under Title I a number of programs (some of which are now authorized under other titles) that provide assistance to local educational agencies (LEAs) for the education of different categories of children and youth. A single Title I appropriation would be allocated in specific percentages to Improving the Academic Achievement of the Disadvantaged (91.055 percent), Migrant Education (2.37 percent), Neglected and Delinquent (0.305 percent), English Language Acquisition and Language Enhancement (4.4 percent), Rural Education (1.08 percent), and Indian Education (0.79 percent).

The bill would maintain much of the current structure of the current Title I, Part A program, but provides fewer detailed program requirements. As under current law, states would be required to maintain academic standards in reading or language arts, and in math and science, and to implement assessments in those three subjects (consistent with current law).

In place of current law's requirement that states hold schools accountable for making "adequate yearly progress" toward a goal of all students achieving proficiency by 2014, the bill



would require each state to develop its own statewide accountability system for ensuring that all public-school students graduate from high school prepared to enter postsecondary education without the need for remediation. That system would measure the achievement of students in reading or language arts and in math, including gaps in achievement among student subgroups, and could also track student academic growth and other indicators. The system would also include provisions on LEA implementation of actions for improving low-performing schools, but the bill includes no specific requirements on consequences for or the actions to be taken with those schools.

While current law requires that each applicable LEA reserve an amount equal to 20 percent of its Title I, Part A allocation to provide choice-related services to children enrolled in schools identified for improvement, and supplemental educational services to children in schools in their second year of improvement (or later), the bill would instead require states to reserve three percent of their allocations for “direct educational services” (defined as “public school choice or high-quality academic tutoring that are designed to help increase academic achievement for students”). Unlike current law, receipt of the benefits under this set-aside would not be limited to students attending low-performing schools or, as in the current case with supplemental educational services, to students from low-income families.

While current law requires both state and local educational agencies to submit detailed plans describing how they will implement various elements of the Title I program (although in practice SEAs and LEAs submit more concise ESEA consolidated plans), the bill would pare back the planning requirements considerably. The state and local report card requirements would be similar to those in current law.

With regard to fiscal accountability, the bill would continue the supplement/not supplant and comparability requirements, but would delete the maintenance-of-effort requirement (as it would do for the other ESEA requirements that are currently subject to “MOE”).

The current requirement that all teachers of the core academic subjects be “highly qualified,” along with similar requirements for paraprofessionals working in Title I programs, would be eliminated.

While current law provides funding for school improvement both through a state-level set-aside of Title I-A funds and through separate School Improvement Grants, the bill would provide a single source of funds – a seven percent set-aside at the state level – for school improvement.

As noted above, the current Title III English Language Acquisition program would be reauthorized under Title I. The reauthorized language would be very similar to current law.



## **Teacher Preparation and Effectiveness**

Under the proposed language for Title II, each state would receive a formula allocation to support the improvement of teaching, including through the implementation of teacher evaluation systems that use multiple measures (including student achievement data derived from a variety of sources) for determining a teacher's effectiveness and that are used for making personnel decisions. These systems could be either statewide or developed by individual LEAs. Title II-A funds, which would continue to flow from states to LEAs by formula, could also be used to develop and implement school-leader evaluation systems and for evidence-based professional development. As in current law, funds could be used for class-size reduction, but this would be capped at 10 percent of an LEA's allocation.

Twenty-five percent of the Title II appropriation would support a "Teacher and School Leader Flexible Grant" program, under which the Department would make formula grants to states, which would then make competitive grants to LEAs, institutions of higher education, and other entities for initiatives to assist in recruiting, hiring, and retaining highly effective teachers and school leaders (including performance-based pay systems), teacher and school leader induction and mentoring programs, teacher residency programs, and similar activities.

## **Title III: Parental Engagement and Local Flexibility**

The bill would continue the Charter Schools program, reserving 15 percent of the annual appropriation for facilities assistance (a portion for credit enhancement and the remainder for state incentive grants) and up to 5 percent for national activities, and making the remainder available for grants to state entities to support the start-up, replication, and expansion of high-quality charter schools. Eligible state entities (SEAs, state charter school boards, governors) would make grants to developers. The bill would also continue the Magnet Schools Assistance program, and authorize grants to "Statewide Family Engagement Centers" to replace the (recently unfunded) Parent Information and Resource Centers program in current law.

In place of a large number of current authorities, the bill would create a "Local Academic Flexible Grant" program under which the Department would make formula grants to the states for initiatives to improve student achievement and protect student safety. States would retain 15 percent of the grant, to pay the costs of developing and administering state assessments and for other activities. Seventy-five percent of the state allocation would go out as competitive grants to LEAs (and other entities in partnership with LEAs) for evidence-based improvement initiatives, such as before- and after-school programs, class-size reduction, teacher and school leader compensation, and activities focused on specific subjects. The remaining 10 percent would flow as competitive matching grants to nongovernmental entities.

## **Programs Repealed; Authorization of Appropriations**

The bill would terminate the authorizations for a large number of currently operating programs, including 21<sup>st</sup> Century Community Learning Centers, State Assessment Grants, Mathematics



and Science Partnerships, Safe and Drug-Free Schools, Transition to Teaching, School Leadership, Elementary and Secondary School Counseling, Physical Education, Advanced Placement, Arts in Education, Ready-to Learn Television, School Dropout Prevention, Native Hawaiian Education, Alaska Native Education, Teacher Quality Partnerships (a Higher Education Act program), and, as noted above, School Improvement Grants. With the exception of the statewide Family Engagement Centers authority reference above, it would not create new programs to specifically replace those that would be terminated. The bill would not authorize the currently operating (but not specifically ESEA-authorized) Race to the Top, Investing in Innovation, and Promise Neighborhoods programs, or create a new literacy authority to replace Striving Readers and the unfunded reading programs in current law.

While the No Child Left Behind Act, the last reauthorization of ESEA, provided a specific funding level for the first year of the reauthorization and then an indefinite (“such sums”) authorization for the succeeding years, the Student Success Act would provide a definite authorization – a specific amount – that would cap funding for each of the six years of the reauthorization.

